

REMARKS

Claims 12-41 are pending in the application. Applicant notes with appreciation that claims 12-14, 16, 17, 19-21, 23-25, 27-29, 31, 32, 34-36, and 38-40 are allowed.

Claims 15, 18, 22, 26, 30, 33, 37 and 41 are amended. The claims are amended to recite an organic-inorganic hybrid proton-conductive material comprising at least one compound of formula (1-4) or a polymer having a repeating unit of the formula (1-5), thus clarifying that formula (1-5) represents a repeating unit of a polymer. Section 112 support for the amendment can be found at page 36, lines 16-17, *i.e.*,

“E¹⁵ and L¹⁵ have the same meanings and the same preferable structures as E³ and L³, respectively, in formula (3-1).”

The formula (3-1) shows a polymer. (See pages 24-27, especially page 24, lines 8-10 of the present specification.) At page 2, line 16, of the Office Action, the Examiner herself notes that formula (3-1) is defined as being a polymer. It is clear from formula (1-5) itself and from the related description that formula (1-5) is a repeating unit of a polymer. No new matter is being added.

Entry of the Amendment after final is respectfully submitted to be proper because Applicant is merely addressing the Examiner's concern under §112.

Response to Rejection under 35 U.S.C. § 112

Claims 15, 18, 22, 26, 30, 33, 37 and 41 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite.

Applicant notes that in the Non-Final Office Action dated May 24, 2007, the Examiner rejected claims 15, 18, 22 and 26 under 35 U.S.C. § 112, second paragraph, citing formula (1-5)

as allegedly being indefinite. In response to the Examiner's rejection, Applicant filed an amendment on October 18, 2007, traversing said rejection as follows:

"As for formula (1-5), the Applicant respectfully traverses. In Formula (1-5), E¹⁵ is defined at least in paragraph [0097] and it is noted that it has the same meaning as E³ of formula (1-3). E³ is defined at least at paragraph [0074] and it represents an alkylene group, an alkyleneoxy group or a siloxy group, as further exemplified in formulas (3-a) through (3-d). In addition, paragraphs [0075] through [0080] provide examples of suitable combinations including the defined E³ (of which E¹⁵ is equivalent). Moreover, paragraph [0098] provides several examples of compounds of formula (1-5), which are believed to be consistent with the definition. In addition, it seems clear that the compound of formula (1-5) is shown prior to polymerizing, as is described in the noted paragraphs."

In the present Office Action, the Examiner states that Applicant's previous response to the rejection of claims 15, 18, 22 and 24 is not sufficient, since it allegedly fails to clearly define E¹⁵ of formula (1-5). The Examiner's primary concern appears to be whether formula (1-5) represents a "compound" or a "polymer." Per the Examiner, the claims (e.g., claim 15) recite "at least one compound of the following formulae (1-4) and (1-5)," whereas the open bonds in E¹⁵ appear to indicate that formula (1-5) represents a polymer, and not a compound. Adding to the alleged confusion, the Examiner states that while "the presence of open bonds indicates that the compound has been polymerized," on the other hand, "it does not appear from the definition of E¹⁵ that a polymer is intended." The Examiner concludes that "it is not clear if a compound or a polymer is intended by this formula."

Applicant respectfully submits that the Examiner's concern under §112 has now been resolved.

The test of definiteness under 35 U.S.C. §112, second paragraph, is whether the claim language, read in light of the specification, reasonably appraises persons skilled in the art of the metes and bounds of the claimed invention. As discussed above, the claims have been amended to address the rejection. The amendment is supported by the specification of the present application, which makes clear that formula (1-5) represents a repeating unit of a polymer.

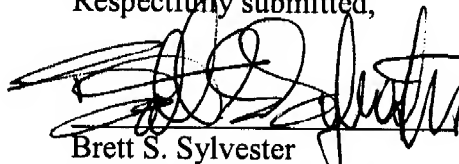
Applicant therefore respectfully submits that claims 15, 18, 22, 26, 30, 33 and 41 are in condition for allowance, and requests the reconsideration and withdrawal of the §112 rejection.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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